

AB 1048 (Pavley)

Truck Safety & Inspection

Sponsor: California Teamsters Public Affairs Council

Fact Sheet

WHAT THE BILL DOES:

- AB 1048 clarifies that all trucking companies (regardless of whether they are in interstate or intrastate commerce) are responsible for drug testing, background checks, and other safety of operations practices of the single truck, owner-operator drivers they employ in the same way they are responsible for employee drivers.
 - Current law has a drafting error which makes the responsibility statute inapplicable to interstate owner-operators.
 - SB 871 (Burton, 2001) created enhanced safety requirements for truck drivers and employers. Unfortunately, the bill language referenced Vehicle Code Section 34624 (b) (3) resulting in the unintended exclusion of interstate motor carriers.
- ~~➤ The bill also clarifies that the CHP truck inspection system requires trucking companies who lease trucks to be responsible for the inspection if the lease lasts more than 4 months.~~
- ~~• A loophole exists in current law that allows unscrupulous trucking companies to avoid safety inspections by repeatedly extending leases that last 119 days.~~

Amendments were taken deleting this portion of the bill.

BACKGROUND:

Since the 1980's, the US Department of Transportation has administered a comprehensive uniform national drug and alcohol testing system which covers all motor carriers, whether they are privately operated or operated by government entities. Drivers are required to participate in preemployment, random, probable suspicion, and post-accident testing.

One of the biggest problems with the system was that a sizable percentage of the trucking companies failed to test or failed to inquire into the employment history of their drivers, as was mandated under federal law. The California Highway Patrol found that 20% of the companies were out of compliance with the drug and alcohol testing program.

SB 871 (Burton, 2001) helped solve this problem by increasing safety and reporting standards and penalties for non-compliant truck drivers and companies. AB 1048 would ensure that all of the safety requirements specified in the original legislation are implemented as they were intended.

Questions: Please contact Nate Solov, Office of Assemblymember Fran Pavley
916-319-2374 nathan.solov@asm.ca.gov